

REMARKS

Status of the Claims

Claims 13-24 are currently pending and under examination. Claims 1-12 and 25 are canceled without prejudice or disclaimer of the subject matter claimed therein.

Amendments to the Claims

Claims 13 and 16 have been amended. Representative support for the changes to claim 13 can be found in the specification at page 6, lines 1-4, page 7, lines 4-36, and at page 8 and claims 16 and 25. The amendment does not add prohibited new matter.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 13-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

The Office Action alleges that the use of the word “reconstituted” in claim 13 is vague and unclear. The Office Action further alleges that claim 13 is incomplete for failing to recite steps to complete the preamble’s stated method of reconstituting an embryo.

Without acquiescing to the propriety of the rejection and solely to advance prosecution, Applicants have amended claim 13 to complete the preamble’s stated method of reconstituting an embryo.

The Office Action also alleges that recitation of “said nucleus” in claim 13 lacks antecedent basis. It is respectfully submitted that claim 13 step (i)(a) has been amended to provide antecedent basis for said nucleus in line 7 of claim 13. Applicants have further amended step (ii) of claim 13 to recite transferring “said treated nucleus.” It is therefore respectfully submitted that the claim is definite and that this rejection be withdrawn.

The Office Action also alleges that claim 25 is unclear for adding a method step to a parent claim that uses closed language. Claim 25 has been canceled without prejudice or disclaimer of the subject matter contained therein. It is therefore respectfully submitted that this rejection is moot and should be withdrawn.

Rejection under 35 U.S.C. § 102(b)

Claims 13-15 and 17-19 are rejected under 35 U.S.C. § 102(b) as anticipated by Wangh (US Patent 6,753,457 B2).

Wangh discloses products and methods useful for causing non-dividing nuclei to activate, for example, to go through one or more steps of nuclear activation. Wangh discloses use of purified egg extracts, preferably derived from *Xenopus*, to cause induction and is limited to studies of nucleus biology and behavior. Amongst the effects achieved by the method disclosed by Wangh are nuclear swelling, nucleic acid replication and entrance into mitosis.

However, Wangh does not anticipate the claimed invention because Wangh does not disclose treatment of the nucleus with a polyanion to induce isomorphic swelling. Furthermore, the claims utilize closed language and accordingly cannot be read to encompass further steps that are disclosed by Wangh. It is therefore respectfully requested that this rejection be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claims 13-15 and 17-24 are rejected under 35 U.S.C. § 103(a) as obvious under Wangh.

The disclosure of Wangh is discussed above. Wangh does not disclose any method directed to reconstituting a mammalian embryo. Wangh does not present data to support the claimed cloning method which is detailed in section IX at column 31, line 20 to column 32, line 30 of Wangh. Furthermore, Wangh discloses use of a *Xenopus* derived egg extract, a species foreign to the claimed mammalian embryo. The method of Wangh is directed to a different invention than that presently claimed and includes steps that are not recited in claim 13 or its dependent claims.

Wangh discloses methods that require egg extract to activate and analyze non-dividing cell nuclei. One skilled in the art wishing to reconstitute an embryo by following the teachings of Wangh would start with activating a somatic cell nucleus and either before or following transplantation using such egg extracts to affect its behavior so as to cause it to direct development of the embryo. Wangh in essence proposes this method in section IX at column 31, line 20 to column 32, line 30 of Wangh.

In contrast, the claims, as amended, provide a complete and closed series of steps useful for preparing a reconstituted embryo which is capable of development at any stage of embryonic

development and maturation into a whole organism following successful gestation. Moreover, the claims do not require the treatment of the nuclei with egg extract to activate the cell nucleus.

Furthermore, Wangh does not disclose the use of a polyanion to induce isomorphic swelling of the nucleus. The Office Action, acknowledges that egg extracts induce nuclear swelling, nucleic acid replication, and entrance into mitosis. Also, the Office Action notes that polyanions are not disclosed by Wangh as agents that can induce nuclear swelling. Accordingly, given the teachings of Wangh, there would be no reason to use a polyanion to induce swelling of the nucleus.

In short, Wangh does not anticipate or render the claimed invention obvious. Wangh involves steps that are not recited in the present claims. There is no reason to modify the teachings of Wangh and arrive at the claimed invention with a reasonable expectation of success. It is therefore respectfully requested that this rejection be withdrawn.

Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration and the timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, she is invited to telephone the undersigned at their convenience.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: **October 29, 2008**
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Respectfully submitted,
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